

DEPARTMENT OF STATE REVENUE

Information Bulletin #204

General Tax

December 2019

(Replaces Departmental Notice #40 issued November 2019)

Effective Date: December 1, 2019 (except January 1, 2020 where noted)

SUBJECT: County Innkeeper's Taxes**REFERENCES:** [IC 6-2.5](#); [IC 6-9-1](#); [IC 6-9-2](#); [IC 6-9-2.5](#); [IC 6-9-3](#); [IC 6-9-4](#); [IC 6-9-6](#); [IC 6-9-7](#); [IC 6-9-8](#); [IC 6-9-9](#); [IC 6-9-10](#); [IC 6-9-10.5](#); [IC 6-9-11](#); [IC 6-9-14](#); [IC 6-9-15](#); [IC 6-9-16](#); [IC 6-9-17](#); [IC 6-9-18](#); [IC 6-9-19](#); [IC 6-9-29](#); [IC 6-9-32](#); [IC 6-9-37](#); [IC 6-9-45.6](#)

DISCLAIMER: Information bulletins are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules, and court decisions. Any information that is not consistent with the law, regulations, or court decisions is not binding on either the department or the taxpayer. Therefore, the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUMMARY OF CHANGES

Aside from technical, nonsubstantive changes, this bulletin effectively provides the same information as it had before when it was published under the title Departmental Notice #40.

I. APPLICATION OF INNKEEPER'S TAXES

In general, the uniform innkeeper's tax statute provides that the fiscal body of a county may impose an innkeeper's tax on those engaged in the business of renting or furnishing, for periods of fewer than 30 days, any room or rooms, lodgings, or accommodations in any hotel, motel, boat motel, inn, college or university memorial union, college or university residence hall or dormitory, or tourist cabin located in the county. Accommodations and lodges generally include (but are not limited to):

- Rooms in hotels, motels, lodgings, ranches, villas, apartments, houses, bed and breakfast establishments, vacation homes, or resorts
- Beginning July 1, 2019, houses, apartments, condominiums, or other personal residences in which rooms, lodgings, or accommodations are rented or furnished for consideration;
- Gymnasiums, coliseums, banquet halls, ballrooms, arenas, or other similar accommodations offered for rent
- Tourist cabins, cottages, tents, or fixed trailers
- Campsites, where authorized by statute and ordinance, regardless of whether any amenities, such as water or electricity, are included
- Houseboats and other craft with overnight facilities
- Space in camper parks and trailer parks where spaces are offered for rent for periods of fewer than 30 days

Under the uniform statute, the tax specifically applies to seven categories of accommodations, as prescribed under [IC 6-9-18-3](#). These categories include hotels, motels, boat motels, inns, college memorial unions, college or university residence halls and dormitories, and tourist cabins. Furthermore, effective July 1, 2019, [IC 6-9-29-1.2](#) clarifies that the rental or furnishing of rooms, lodgings, or other accommodations in a house, condominium, or apartment that are furnished for consideration for less than 30 days is also subject to innkeeper's tax (except in the case where the exemption discussed in Section III applies), even if the particular chapter permitting an innkeeper's tax for a particular county does not mention these types of accommodations specifically.

However, innkeeper's tax **does not** apply to gross income received in a transaction in which a person rents a room, lodging, or accommodation for a period of 30 days or more. Nor does the tax apply to the gross income received in a transaction in which a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county.

In general, innkeeper's taxes are imposed and administered in the same manner as the sales tax. For example, transactions not subject to sales tax, such as where there is no consideration exchanged for the room, also are not subject to innkeeper's tax. Indeed, all of the provisions related to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration of sales tax under [IC 6-2.5](#) are applicable to the imposition and administration of the innkeeper's tax except to the extent those provisions are in conflict or inconsistent with

specific provisions enacted under the innkeeper's tax statutes or the requirements of a county treasurer. This means that sales tax exemptions for nonprofits or governmental entities and instrumentalities also applies to a county innkeeper's tax. With regard to any exemption for governmental agencies or instrumentalities, a sale will only qualify for exemption if it is billed directly to the relevant governmental agency or entity. If the lodging is billed directly to an individual, no exemption will apply, even if the individual is subsequently reimbursed by the governmental agency or entity. Please refer to Sales Tax Information Bulletins 4, 10, and 41 for further information on how the sales tax exemptions for government entities and nonprofits apply in the context of the short term rental of accommodations, available online at www.in.gov/dor/6051.htm.

NOTE: Twenty counties have authority apart from the uniform statute to impose innkeeper's taxes. Those counties are Allen, Brown, Clark, Elkhart, Floyd, Hendricks, Jackson, Jefferson, Knox (effective July 1, 2019), Lake, LaPorte, Madison, Marion, Monroe, St. Joseph, Tippecanoe, Vanderburgh, Vigo, Wayne, and White. Provisions enacted by ordinance in these counties may differ slightly from county to county and from the uniform statute; however, all of the chapters in the Indiana Code authorizing the adoption of these taxes contain the clause described above that states that the taxes are administered and imposed in the same manner as the sales tax, which means that the sales tax exemptions described above also applies to the taxes in these counties as well. Taxpayers with questions related to the innkeeper's tax imposed in these counties should refer directly to the specific authorizing statute and ordinance imposing the tax.

In addition, the state has imposed a supplemental innkeeper's tax on the rental of rooms, lodgings, and accommodations in any historic hotel as defined under [IC 4-33-2-11.1](#). This tax is collected by the state and is in addition to any Orange County Innkeeper's Tax otherwise imposed.

II. COLLECTION OF INNKEEPER'S TAXES

Innkeeper's taxes are collected by a retail merchant (i.e., the innkeeper) or a marketplace facilitator (meaning a business that connects sellers to purchasers by use of the business's marketplace and facilitates the sales of the seller's products in Indiana through the marketplace, such as an online travel company (OTC) or a peer to peer property rental application). When the accommodation is a personal residence (such as a house, apartment, or condominium), the homeowner has the responsibility to collect the innkeeper's tax if they are not renting the property through a marketplace facilitator and they do not qualify for the exemption for casual renters. For more information on marketplace facilitators, please refer to Sales Tax Information Bulletin #89, available online at www.in.gov/dor/6051.htm.

Innkeeper's taxes are remitted to either the Indiana Department of Revenue or to the county that enacted the tax. If the tax is remitted to the department, the innkeeper will need to register online with the department by registering their business and remitting innkeeper's taxes monthly via INtax, the department's online portal for filing returns and making payments. If the accommodation is rented through a marketplace facilitator, it is the marketplace facilitator that is required to collect any applicable innkeeper's tax and remit the tax to the department. Unlike innkeepers, marketplace facilitators registering to collect innkeeper's taxes will need to visit the Department's website for special instructions.

Innkeeper's taxes collected at the county level must be paid monthly and reported on forms approved by the county treasurer. Questions related to taxes collected at the county level should be directed to the adopting county's auditor or treasurer.

Upon request by the department or a county, marketplace facilitators are required to provide information listing the tax it collected on behalf of each of its sellers for the period specified by the requesting entity (in the case of a county, for only the innkeeper's tax collected for transactions occurring within the subdivision). If the department requests the information, the department may only share information with the county where the transactions occurred.

NOTE: Elkhart County imposes the tax on businesses who operate hotels, motels, inns, or tourist cabins with 30 or more rooms for rent. If the hotel, motel, inn, or tourist cabin has twenty-nine rooms or less for rent, the innkeeper's tax is **not** imposed; however, this limitation does not apply to rooms or lodgings in a house, apartment, or condominium, so tax must still be collected regardless of the number of rooms rented or furnished in the house, apartment, or condominium. Clark County was previously listed as having a 30-room minimum on the department's website. However, that minimum room threshold is no longer applicable.

NOTE: Carroll County imposes a room threshold for the county before the tax is imposed. Unless all rooms in all accommodations in the county, including rooms or lodgings in a house, condominium, or apartment, reaches that

maximum, the tax will not be collected by a retail merchant or marketplace facilitator. At this time, Carroll County has not met the room threshold. Thus, the tax should not be collected.

III. EXEMPTION FOR CASUAL RENTERS

Beginning July 1, 2019, the owner of a house, condominium, or apartment that is the owner's primary personal residence may rent or furnish rooms, lodgings, or other accommodations in that residence exempt from sales tax (and any applicable county innkeeper's tax) if the following conditions are met:

- At least one owner of a house, condominium, or apartment maintains the house, condominium, or apartment as the owner's primary personal residence;
- The owner rents or furnishes rooms, lodgings, or other accommodations in the residence for fewer than 15 days in the current or preceding calendar year;
- None of the payments for the rooms, lodgings, or other accommodations at the residence are made through a marketplace facilitator; and
- The rental or furnishing of the rooms, lodgings, or other accommodations qualifies for the special rule for certain use under Section 280A(g) of the Internal Revenue Code, which provides an exemption from federal income tax when a primary residence is rented for fewer than fifteen days.

For more information concerning this exemption, please refer to Sales Tax Information Bulletin #41.

IV. INNKEEPER'S TAXES BY COUNTY

The table on the following page lists the county, the tax rate, and whether the tax is paid to the department for distribution back to the county or is paid directly to the county treasurer. Please keep in mind that when collected by a marketplace facilitator, the innkeeper's tax is **always** paid to the department for distribution back to the county.

The table is current as of the date of publication, subject to the following:

- The rates for Clark County and Floyd County will increase from 4% to 6% effective December 1, 2019.
- Vigo County's rate increased to 8% from 6.5% effective October 1, 2018. For marketplace facilitators, this rate change goes into effect January 1, 2020.
- LaGrange County innkeeper's tax will be remitted to the department effective for periods beginning on or after January 1, 2020. For prior periods, the tax will continue to be collected by the county.
- Vermillion County innkeeper's tax will be remitted to the department effective for periods beginning on or after November 1, 2019. For prior periods, the tax will continue to be collected by the county.

INDIANA COUNTIES THAT HAVE ADOPTED A COUNTY INNKEEPER'S TAX

County Name	Collection Point	Tax	County Name	Collection Point	Tax
Allen	DOR	8%	Lake	County	5%
Bartholomew	County	5%	LaPorte	County	5%
Boone	County	5%	Lawrence	County	5%
Brown	County	5%	Madison	County	5%
Carroll	County	5%	Marion	DOR	10%
Cass	County	3.5%	Marshall	County	5%
Clark	DOR	4%	Miami	County	5%
Clinton	County	4%	Monroe	County	5%
Crawford	County	5%	Montgomery	County	3%
Daviess	County	5%	Morgan	County	5%
Dearborn	County	5%	Noble	County	5%
Decatur	County	5%	Ohio	County	5%
DeKalb	County	5%	Orange	County	4%
Delaware	County	5%	Orange (HHSIT)	DOR	2%
Dubois	County	5%	Owen	County	5%
Elkhart	County	5%	Parke	County	5%
Fayette	County	5%	Perry	County	5%
Floyd	DOR	4%	Porter	County	5%
Franklin	County	5%	Posey	County	5%

Indiana Register

Fulton	County	3%	Putnam	County	5%
Gibson	County	5%	Randolph	County	5%
Grant	County	5%	Ripley	County	5%
Greene	County	5%	St. Joseph	County	6%
Hamilton	County	5%	Scott	DOR	5%
Hancock	County	4%	Shelby	DOR	5%
Harrison	County	4%	Spencer	County	5%
Hendricks	County	8%	Starke	County	5%
Henry	County	5%	Steuben	County	5%
Howard	County	8%	Sullivan	County	5%
Huntington	County	5%	Switzerland	County	5%
Jackson	County	5%	Tippecanoe	County	5%
Jasper	County	5%	Union	County	5%
Jay	County	5%	Vanderburgh	County	8%
Jefferson	County	5%	Vermillion	County	5%
Jennings	County	5%	Vigo	DOR	8%
Johnson	County	5%	Wabash	County	5%
Knox	County	5%	Warrick	DOR	5%
Kosciusko	County	5%	Washington	County	4%
LaGrange	DOR	5%	Wayne	County	5%
			White	County	5%

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Commissioner

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